

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CLODUALDO JASSO-MARTINEZ,

Plaintiff

v.

MARIA ELENA RODRIGUEZ LARA, et.
al.,

Defendants.

Case No. 3:24-CV-00351-ART-CLB

ORDER ON REPORT AND
RECOMMENDATION OF
MAGISTRATE JUDGE (ECF No. 6)

Plaintiff Clodualdo Jasso-Martinez commenced this action against Maria Elena Rodriguez Lara, Martha Lucero Rodriguez Lara, Lois Fernando Rodriguez Lara, and Tamatha Schreiner, alleging claims regarding his child custody proceedings in state court. (ECF No. 1-1.) Plaintiff also filed two applications to proceed *in forma pauperis* (ECF Nos. 1,4), and a motion to proceed with all matters related to this claim, (ECF No. 5).

Magistrate Judge Carla L. Baldwin issued a Report and Recommendation (“R&R”), which recommended that Plaintiff’s applications to proceed *in forma pauperis* be granted, Plaintiff’s complaint be dismissed with prejudice, and his motion to proceed with all matters be denied as moot. (ECF No. 6.) Plaintiff filed an objection to the R&R. (ECF No. 7.)

Plaintiff has also filed a motion for full custody of children (ECF No. 7), and a motion for consideration as evidence where rights are again violated (ECF No. 14).

I. Review of Reports & Recommendations

Under the Federal Magistrates Act, a court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s

1 report and recommendation, then the court is required to “make a *de novo*
2 determination of those portions of the [report and recommendation] to which
3 objection is made.” 28 U.S.C. § 636(b)(1). A court is not required to conduct “any
4 review at all . . . of any issue that is not the subject of an objection.” *Thomas v.*
5 *Arn*, 474 U.S. 140, 149 (1985). As Plaintiff has filed an objection to Judge
6 Baldwin’s R&R, the Court conducts review *de novo*.

7 **II. Analysis**

8 Judge Baldwin’s R&R recommended dismissal because the complaint
9 failed to state a claim upon which relief could be granted, and because this Court
10 lacks subject matter jurisdiction over this case. Plaintiff’s objection apologizes for
11 his narrative and explains that he is representing himself. It does not address
12 Judge Baldwin’s analysis of subject matter jurisdiction.

13 The Court understands that self-representation is a difficult task, and that
14 courts must construe *pro se* complaints liberally. *Draper v. Rosario*, 836 F.3d
15 1072, 1080 (9th Cir. 2016). However, even if the Court were to construe plaintiff’s
16 claim as a claim for custody of his children, the court lacks jurisdiction over such
17 matters. As Judge Baldwin’s R&R noted, federal courts do not have jurisdiction
18 over domestic relations disputes involving child custody. *Ankenbrandt v.*
19 *Richards*, 504 U.S. 689, 702. (1992); *Peterson v. Babbitt*, 708 F.2d 465, 466 (9th
20 Cir. 1983) (per curiam). Thus, child custody matters are to be adjudicated in state
21 courts. *Peterson*, 708 F.2d at 466. Because this Court lacks subject matter
22 jurisdiction over any claims Plaintiff asserts, the Court will adopt Judge Baldwin’s
23 analysis on that ground. The Court will dismiss Plaintiff’s complaint without
24 prejudice for lack of subject matter jurisdiction. Because it does not appear that
25 amendment to the complaint would support subject matter jurisdiction, the
26 Court will dismiss without leave to amend as amendment would be futile.

27 Because the Court dismisses Plaintiff’s complaint, the Court will also deny
28 Plaintiff’s other motions in this matter as moot.

III. Conclusion

It is therefore ordered that Plaintiff's objection to Judge Baldwin's Report and Recommendation (ECF No. 7) is OVERRULED.

It is further ordered that Judge Baldwin's Report and Recommendation (ECF No. 6) is ADOPTED.

It is further ordered that Plaintiff's applications to proceed *in forma pauperis* (ECF Nos. 1, 4) are DENIED AS MOOT.

It is further ordered that the Clerk FILE the complaint (ECF No. 1-1.)

It is further ordered that Plaintiff's complaint (ECF No. 1-1) be DISMISSED without prejudice but without leave to amend.

It is further ordered that Plaintiff's other motions (ECF Nos. 5, 7, 14) are DENIED AS MOOT.

Dated this 27th day of November, 2024.



ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE